

_____ BILL NO. _____

INTRODUCED BY _____
(Primary Sponsor)

A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING THAT A PARTICIPANT IN AN AUTHORIZED ACTIVITY CONDUCTED BY AN OUTFITTER OR GUIDE ACKNOWLEDGE THAT SOME ACTIVITIES ARE INHERENTLY HAZARDOUS REGARDLESS OF ALL FEASIBLE SAFETY MEASURES THAT MAY BE TAKEN AND REQUIRING THAT THE PARTICIPANT ASSUME THE RISK OF LOSS, DAMAGE, OR INJURY RESULTING FROM THOSE ACTIVITIES; AMENDING SECTIONS 37-47-401 AND 37-47-403, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 37-47-401, MCA, is amended to read:

"37-47-401. Purpose. It is recognized that some activities conducted by outfitters, guides, and professional guides within the scope of their authorized services are inherently hazardous to participants, regardless of all feasible safety measures that may be taken. It is the purpose of this part to define those areas of responsibility and affirmative acts or omissions for which outfitters, guides, and professional guides are liable for loss, damage, or injury and those risks for which the participant expressly assumes or is considered to have voluntarily assumed the risk of loss, ~~or damage, or injury.~~"

Section 2. Section 37-47-403, MCA, is amended to read:

"37-47-403. Duties of participants. (1) A participant ~~shall~~:

(a) shall act as would a reasonably prudent person when engaging in the activities offered by a licensed outfitter, guide, or professional guide in this state;

(b) must receive permission from the outfitter, guide, or professional guide prior to embarking on any self-initiated activity and inform the outfitter, guide, or professional guide of the participant's plans and intentions upon receiving permission to engage in the self-initiated activity; and

(c) shall acknowledge that some activities conducted by outfitters, guides, and professional guides within the scope of their authorized services are inherently hazardous to participants, regardless of all feasible safety measures that may be taken, and shall assume the risk of loss, damage, or injury resulting from those

1 activities.

2 (2) A participant may not:

3 (a) interfere with the running or operation of an outfitter's, guide's, or professional guide's activities when
4 those activities conform to the standards of care set forth in 37-47-402;

5 (b) use the outfitter's, guide's, or professional guide's equipment, facilities, or services unless the
6 participant has requested and received permission from the outfitter, guide, or professional guide;

7 (c) knowingly, purposely, or negligently engage in any type of conduct that contributes to or causes
8 injury to the participant or any other person."

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10 NEW SECTION. **Section 3. Effective date.** [This act] is effective on passage and approval.

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